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Letter dated 15 June 2001 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

With reference to the letter dated 16 April 2001 from the Permanent Representative of Iraq addressed to the Secretary-General and its annex, circulated as a Security Council document (S/2001/374) concerning the question of the delimitation of the continental shelf between Iran and Kuwait in the Persian Gulf, and upon instructions from my Government, I have the honour to state the following.

As I indicated in my previous letter on the same question (S/2000/1243), the intentions of the Governments of the Islamic Republic of Iran and Kuwait to engage in bilateral negotiations on the question of the delimitation of their continental shelves in the Persian Gulf are in line with well-established principles of international law and also are commensurate with the exercise of their sovereign rights. Such negotiations on the commonly shared boundaries between the two countries are not required, by international law and custom, to include a third party. Clearly, the third party should be included in the negotiations when the delimitation of a triangle boundary is under consideration. So far, negotiations that have been conducted among a number of States in the region and that have led to the conclusion of several agreements on the delimitation of continental shelf have taken place on a bilateral basis. Therefore, Iraq cannot and should not expect to participate in the negotiations, which solely concern Iran and Kuwait.

Moreover, Iraq's reference to the 1982 United Nations Convention on the Law of the Sea and its unilateral interpretation of article 83 of that Convention is but an attempt to justify its baseless perception of the issue at hand. The Convention, and in particular its article 83, do not in any way bind two neighbouring States to include third parties in the negotiations on their solely shared boundaries. Hence, Iraq's perceived good faith in this regard is seriously open to doubt. The Islamic Republic of Iran will never hesitate to reciprocate any gesture of good faith demonstrated by any country, particularly by its neighbours.

A reference and comparison is made in Iraq's above-mentioned letter to the position of the Islamic Republic of Iran regarding the legal regime of the Caspian Sea. A comparison between the delimitation of the continental shelf in the Persian Gulf and the legal status of the Caspian Sea is an irrelevant and misleading attempt to distort the existing realities as well as to ignore the different geographical characteristics of the two regions. The Caspian Sea is a closed sea and has been under a special legal

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regime decided upon by Iran and the former Soviet Union, as the coastal States, since the formation of the Soviet Union. Attempts are being made by the present five coastal States, with the active participation of Iran, to complete the legal regime commensurate with the current circumstances and issues. To this effect, the five coastal States agreed at a ministerial meeting on 12 November 1996, in Ashgabat, Turkmenistan, that any decision concerning the legal regime of the Caspian Sea should be made by the unanimous decision of all its coastal States. All these facts reflect the reality that no comparison can or should be made between the Caspian Sea and the Persian Gulf.

The Government of the Islamic Republic of Iran fully understands its international responsibilities to strengthen and enhance peace, security and stability in the Persian Gulf region, and considers its interactions with its neighbours, including the negotiations on the continental shelf, as positive and effective steps to that end. Compliance with the principles of international law and respect for international norms and customs are imperative for peace, security and stability in the region. However, the events of the past two decades in this part of the world tell us a different story — a story marked by blatant breaches of pre-emptory norms of international law.

While categorically rejecting the content of the aforesaid letter of Iraq, I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Hadi Nejad **Hosseinian**
Ambassador
Permanent Representative